

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO/SB/08 A & B filed on April 18, 2005, thus indicating that all of the references listed thereon have been considered.

Claim Rejections:

Claims 1, 4, 5 and 10-12 are all the claims pending in the application, and currently all of these claims stand rejected.

35 U.S.C. § 102(a) Rejection - Claims 1, 4-5 and 10-12:

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Reference JP 2001-146030 to Tsukada et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the perfection of Applicant's foreign priority would remove the above reference, and sufficiently address the Examiner's rejection of the claims.

Accordingly, Applicant is submitting herewith certified English translations of the priority documents JP 2000-229435 and JP 2000-354802. Therefore, Applicant submits that the JP '030 reference is not prior art under the provisions of 35 U.S.C. § 102, and submits that the above rejection is now moot.

35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,536,861 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '861 patent has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '861 patent is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant is in the process of obtaining a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e), and will file the same as soon as the Declaration is received by Applicant's undersigned representative.

Accordingly, Applicant submits that upon filing of such a Declaration, the above rejection becomes moot. Therefore, Applicant submits to the Examiner that Applicant will be filing the above referenced Declaration shortly hereafter, and respectfully requests the Examiner take no further action until such documents are submitted to the United States Patent and Trademark Office.

35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Publication No. 2003/0140694 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '694 publication has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '694 publication is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant is in the process of obtaining a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e), and will file the same as soon as the Declaration is received by Applicant's undersigned representative.

Accordingly, Applicant submits that upon filing of such a Declaration, the above rejection becomes moot. Therefore, Applicant submits to the Examiner that Applicant will be filing the above referenced Declaration shortly hereafter, and respectfully requests the Examiner take no further action until such documents are submitted to the United States Patent and Trademark Office.

35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,470,744 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '744 patent has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '744 patent is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant is in the process of obtaining a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e), and will file the same as soon as the Declaration is received by Applicant's undersigned representative.

Accordingly, Applicant submits that upon filing of such a Declaration, the above rejection becomes moot. Therefore, Applicant submits to the Examiner that Applicant will be filing the above referenced Declaration shortly hereafter, and respectfully requests the Examiner take no further action until such documents are submitted to the United States Patent and Trademark Office.

35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,799,820 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '820 patent has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '820 patent is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant is in the process of obtaining a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e), and will file the same as soon as the Declaration is received by Applicant's undersigned representative.

Accordingly, Applicant submits that upon filing of such a Declaration, the above rejection becomes moot. Therefore, Applicant submits to the Examiner that Applicant will be filing the above referenced Declaration shortly hereafter, and respectfully requests the Examiner take no further action until such documents are submitted to the United States Patent and Trademark Office.

In view of the foregoing, Applicant submits that upon filing of the above referenced documents, Applicant will have sufficiently addressed each of the Examiner's rejections.

If any issues remain outstanding Applicant respectfully requests the Examiner contact Applicant's undersigned representative at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/798,409

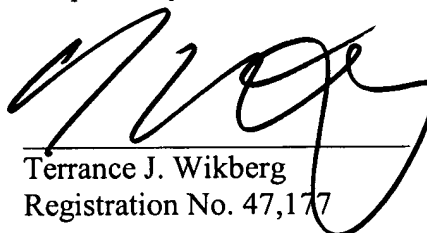
Our Ref.: Q80436
Art Unit: 2856

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: December 1, 2005